

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 13, 2008 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The use of the phrase "may be" should be avoided since it is confusing whether the recitations following the phrase are part of the claimed invention

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5, 11-16, 22, 25-30, 36, and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (US 6,557,447).

Lee discloses all the recited elements of the invention including a tension spring assembly (e.g., Figure 3), a cam assembly (e.g., Figure 4), a cover assembly (e.g., Figure 4) including a handle (e.g., 36) adjustably coupled with the cam assembly (e.g., at 33), and an index indicator (80). Regarding claims 3, 13, 26-27, a tension spring (e.g., 70), a fine adjustment assembly (e.g., 60/61), and a plunger (e.g., 40). Regarding claims 4-5, 14-16, and 28-30, the cam assembly comprising a cam (e.g., 30) including a cam actuation member (e.g., 34, 35) and a pin (e.g., 33), and a cam actuator (e.g., 32). Regarding claims 11 and 36, a securing assembly (e.g., Figure 4, unlabeled). Regarding claims 25 and 39, a standard blade tensioning device (e.g., Figures 1-2). In addition, Lee discloses a band saw comprising a lower band wheel (e.g., 16) operatively engaged with a motor (e.g., 15), a lower band wheel (e.g., 17), a band saw blade (e.g., 18), and a sliding tension bracket (e.g., 20).

Allowable Subject Matter

6. The allowability of claims 4-5, 14-16, and 28-30, noted in the previous office action, has been withdrawn. Any inconvenience caused by this notice is regretted.
7. Claims 6-10, 17-21, and 31-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed March 13, 2008 have been fully considered but they are not persuasive.

Applicants contend that Lee fails to teach a cam assembly applying a force to the tension spring assembly. Applicants further contend that Lee fails to teach a cover assembly including a handle for enabling a user to selectively engage the cover assembly with the cam assembly.

The examiner respectfully disagrees. Lee teaches the cam assembly coupled to the sliding tension bracket (e.g., 20) which includes a stop plate (e.g., 25) which is operationally coupled to the plunger (e.g., 40) which is operationally coupled to the tension spring (e.g., 70). Hence, Lee does teach the cam assembly applying a force to the tension spring assembly. Furthermore, Lee does teach the handle (e.g., 36) that can be selectively engaging the cover assembly (e.g., Figure 4) with the cam assembly via the element 33.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Choi whose telephone number is 571-272-4504. The examiner can normally be reached on Monday-Thursday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen Choi/
Primary Examiner, Art Unit 3724
6 June 2008